

DEPO OF AL CARDOZA
TUESDAY, MAY 31, 2005

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COMMONWEALTH OF MASSACHUSETTS
WORCESTER, ss. SUPERIOR COURT DEPARTMENT
C.A. NO. 2005-00387-A

-----x
TRANS-SPEC TRUCK SERVICE, INC.
d/b/a TRUCK SERVICE,
Plaintiff

vs

MILTON CAT f/k/a
SOUTHWORTH-MILTON, INC.

Defendant

-----x
- and -
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11836-RCL

-----x
TRANS-SPEC TRUCK SERVICE, INC.
d/b/a TRUCK SERVICE,
Plaintiff

vs

CATERPILLAR, INC.,

Defendant

-----x

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EXHIBIT

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1 A. He may have asked a question about it, but in
2 relationship to the 3176, the similarities are
3 very, very close to the C12.

4 Q. You told him that the 3176 was similar to the
5 C12?

6 A. Yes.

7 Q. The 3176 and the C12 are a similar engine?

8 MR. GRUNERT: I object to the form.

9 A. Very similar.

10 Q. Is the C12 a revision of the 3176?

11 A. Yes.

12 Q. Do you remember anything more about the
13 conversation with Mr. Lynd regarding the
14 serviceability issues?

15 A. Not that I know of.

16 Q. Did you call him or did he call you, or was it
17 in person?

18 A. It was probably a one-on-one conversation.

19 Q. Do you remember where that was?

20 A. Over at Trans-Spec's facility.

21 Q. What were you doing over at tran speck's
22 facility?

23 A. Andy may have had a question on a given spec or
24 something that he's requested and either I

1 happened to be going by, or stopped over.

2 Q. I may have asked you this, but do you remember
3 when this meeting took place?

4 A. No, I do not.

5 Q. But he had a question about spec regarding the
6 C12?

7 A. Curiosity factor on his behalf.

8 Q. This was around the time that Trans-Spec was
9 purchasing the new trucks?

10 A. I would presume so.

11 Q. Did you have a laptop computer with you at the
12 time that you met with Mr. Lynd?

13 A. More than likely, yes.

14 Q. Did you use that laptop in your conversation
15 with Mr. Lynd?

16 A. I may have.

17 Q. What may have you used the laptop to do with
18 Mr. Lynd during this conversation?

19 A. Be more specific.

20 Q. Well, what did you use the laptop for? You're
21 in a meeting with Mr. Lynd and you had your
22 laptop with you. What did you use it for?

23 A. Unless he wants to program a truck or discuss
24 programming of his customer parameters, there

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1 would be no reason for me to use it, unless he
2 brought up a question regarding what is known as
3 Caterpillar E T, electronic technician.

4 Q. During this meeting with Mr. Lynd, did you input
5 various permutations of conditions into the
6 laptop to show Mr. Lynd various capabilities of
7 the C12 or any other Caterpillar engines?

8 A. No.

9 Q. So you went over there around the time that
10 Trans-Spec was looking to purchase the trucks,
11 and you talked to Mr. Lynd about the C12 being
12 similar to the 3176 arcs and you think about
13 some of the specifications of the C12?

14 A. We didn't go into specifications, to my
15 knowledge.

16 Q. And you were never present when Mr. Calderbank
17 gave or showed anyone at Trans-Spec any
18 information regarding the C12 capabilities or
19 comparing it with competitive engines?

20 A. I don't believe so.

21 Q. No such conversation ever took place at the 99
22 restaurant?

23 A. I don't believe so.

24 Q. What is Caterpillar extended service coverage?